

Restriction/Election:

Applicant thanks the Examiner for acknowledging the election of claims 1-3, without traverse, and indicating that claims 4-9 have been withdrawn from consideration.

Claim Rejections:

Claims 1-3 are all of the claims pending in the present action, and currently all of these claims stand rejected.

35 U.S.C. § 102(b) Rejection - Claims 1 and 3(2):¹

Claims 1 and 3 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,287,661 to Shigetomi et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

Shigetomi is directed to an information label which is to be placed on an optical disk. The label contains a base sheet, on which data or a display is placed, and an adhesive layer on the base sheet. The adhesive layer is used to adhere the label to the disk.

Additionally, a protective film can be placed over the display data on the base sheet (col. 2, lines 55-61), and a release liner can be applied to the surface of the adhesive layer (col. 3, lines 52-53).

However, Applicant submits that Shigetomi fails to disclose at least two aspects of the claimed invention, and as such fails to anticipate either of claims 1 and 3..

¹ Although the Examiner, on page 2 of the office action, listed claim 2 as being rejected, Applicant believes the Examiner intended to list claim 3 because of the detailed discussion regarding claim 3 found on page 3. Applicant will proceed based on this presumption.

First, contrary to the Examiner's assertions, the Shigetomi label is not adhered to a recording surface of the optical disk. As indicated above, Shigetomi is directed to a display label which is placed on a disk to identify the type of data stored on the disk. As such, the label is not placed on the recording layer, but on an opposite side of the recording layer. For at least this reason, Shigetomi fails to anticipate the claimed invention.

Second, contrary to the Examiner's assertions, there is no disclosure in Shigetomi regarding the adhesive characteristics of the release liner with respect to the protective film, placed on the surface of the base sheet.

In the present invention, the peeling sheet is secured to the adhesive film with an adhesive force which is less than, or equal to, the adhesive force between the protective sheet and the resin layer. Shigetomi provides no disclosure, teaching or suggestion regarding this aspect of the claimed invention. There is simply no disclosure regarding this aspect of the Shigetomi disk structure. Accordingly, there can be no anticipation of the claimed invention.

In view of the foregoing, Applicant submits that Shigetomi fails to disclose each and every element of the claimed invention. Therefore, Shigetomi fails to anticipate the claimed invention, as required under the provisions of 35 U.S.C. § 102(b). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the 35 U.S.C. § 102(b) rejection of the above claims.

35 U.S.C. § 103(a) Rejection - Claim 2:

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shigetomi in view of U.S. Publication No. 2003-0044559 to Liu et al. However, because claim 2 depends

RESPONSE UNDER 37 C.F.R. §1.111
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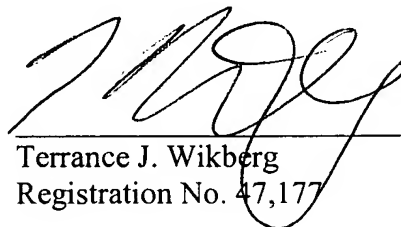
on claim 1, and because Liu does not cure the deficient teachings of Shigetomi, Applicant submits that this claim is also allowable, at least by reason of its dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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